

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN UTESCH, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiff(s),

v.

LANNETT COMPANY, INC., ARTHUR P.  
BEDROSIAN, and MARTIN P. GALVAN,

Defendants.

Civil Action No. 2:16-cv-05932-WB

**CLASS ACTION**

Judge Wendy Beetlestone

**STIPULATION AND SCHEDULING ORDER**

**WHEREAS**, on August 17, 2021, the Court entered a Stipulation and Scheduling Order setting a schedule for this case through the submission of Final Pretrial Memoranda (ECF No. 199) (the “August 2021 Scheduling Order”);

**WHEREAS**, the Court and counsel for the respective parties participated in a conference held on January 3, 2024 (the “Conference”);

**WHEREAS**, during the Conference, the Court directed the parties to prepare and submit to the Court a new proposed scheduling Order;

**IT IS HEREBY STIPULATED AND AGREED**, by and among the parties, that, subject to the Court’s approval, the schedule governing this matter shall be revised as follows:

1. The schedule set forth in the August 2021 Scheduling Order is superseded by the schedule below;
2. Absent further order of this Court, the parties must not seek and must not respond to any discovery request (*e.g.*, an interrogatory, a request for production of documents, a subpoena, or a notice of deposition) seeking information about the criminal investigation that the Antitrust

Division of the U.S. Department of Justice (the “Department of Justice”) is conducting into the generic pharmaceuticals industry;

3. Any party or other person responding to a discovery request (*e.g.*, an interrogatory, a request for production of documents, a subpoena, or a notice of deposition) (a “Responding Person”) must not disclose what documents or other information has been provided to the Department of Justice in the course of its criminal investigation into the general pharmaceuticals industry, provided nothing in this Paragraph prohibits a Responding Person from producing documents or other information that previously had been provided to the Department of Justice so long as such production is made in a manner that does not indicate whether the documents or other information being produced previously was provided to the Department of Justice.

4. *Fact Discovery.* All fact discovery shall be completed on or before **April 3, 2024**.

5. *Merits Expert Discovery.*

- a. All expert discovery, including expert depositions of rebuttal experts, shall be completed on or before **July 24, 2024**.
- b. Expert reports and all other expert disclosures required pursuant to Fed. R. Civ. P. 26 shall be served by the parties with respect to issues for which they bear the burden of proof on or before **April 17, 2024**.
- c. Expert witnesses described in Paragraph 5(b) herein shall be made available for deposition on mutually agreeable dates.
- d. Rebuttal expert reports and all other expert disclosures required pursuant to Fed. R. Civ. P. 26 shall be served on or before **June 19, 2022**.
- e. Rebuttal expert witnesses described in Paragraph 5(d) herein shall be made available for deposition on mutually agreeable dates.

- f. The deadlines in paragraphs 5(b) and (d) may be extended by the written consent of all parties without application to the Court, provided that expert discovery is completed by **July 24, 2024**.

6. All motions and applications shall be governed by the Court's Policies and Procedures.

7. *Dispositive Motions.*

- a. Any dispositive motions shall be filed on or before **September 18, 2024**.
- b. Responses in opposition to any dispositive motions shall be filed on or before **November 20, 2024**.
- c. Replies in support of any dispositive motions shall be filed on or before **January 8, 2025**.

8. Within thirty (30) days of a decision on any dispositive motion, the parties shall confer and submit to the Court Final Pretrial Memoranda consistent with this Court's Policies and Procedures and Local Rule of Civil Procedure 16.1(c).

- a. Any motions *in limine* shall be filed on or before the date on which the parties' Final Pretrial Memoranda are due.
- b. If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and verdict forms shall be filed on or before the date on which the parties' Final Pretrial Memoranda are due. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict forms, noting any points of disagreement in the joint submission.
- c. If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted on or before the Final Pretrial

Memoranda due date.

9. This Order supersedes and replaces all other scheduling orders entered in this case, including the September 5, 2019 Scheduling Order (Dkt. 110), the May 6, 2020 Scheduling Order (Dkt. 120), the August 31, 2020 Scheduling Stipulation, the January 12, 2021 Scheduling Order (Dkt. 145), and the August 2021 Scheduling Order. This Order may not be modified nor the dates herein extended, except by further Order of this Court for good cause shown. Any modification or extension of the dates set forth herein (except as provided herein) shall be sought by a written application to the Court in accordance with the Court's Policies and Procedures.

Dated: January 22, 2024

/s/ David M. Promisloff

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*Counsel for Defendants Arthur P. Bedrosian  
and Martin P. Galvan*

**SO ORDERED.**

/s/Wendy Beetlestone, J.

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WENDY BEETLESTONE, U.S.D.J.

Dated: January 22, 2024